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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,564	01/12/2004	Ola Olofsson	TPP 30887DIV	8238
7590	10/20/2005		EXAMINER	
STEVENS, DAVIS, MILLER & MOSHER, L.L.P. Suite 850 1615 L Street, N.W. Washington, DC 20036			MACARTHUR, VICTOR L	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/754,564	OLOFSSON ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Victor MacArthur	3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 28 July 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 14, 15 and 17-19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 14, 15 and 17-19 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 28 July 2005 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/12/04 10/14/04  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

The amendment filed 7/28/2005 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

- “said hole having an opening below said groove” (line 7 of claim 18). Note that holes (7) are not located below grooves (1) as originally presented. Contrary to the applicant’s arguments, figure 7 does not show a hole having an opening below a groove. Rather, figure 7 shows hole (7) with an opening below only a solid non-grooved portion of the board.

Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Drawings***

The drawings were received on 7/28/2005. These drawings are acceptable for the purposes of examination.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following features must be shown or the feature(s) canceled from the claim(s):

- Gap (line 10 of claim 14)

No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Abstract*

The abstract of the disclosure is objected to because it contains the legal phraseology "means". Correction is required. See MPEP § 608.01(b).

***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Antecedent basis must be provided in the Specification for the following claim limitations:

- Gap (line 7 of claim 14)

No new matter should be entered.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 18 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The applicant's original disclosure does not support "said hole having an opening below said groove" (line 7 of claim 18). Note that holes (7) are not located below grooves (1) as originally presented. Rather they are located to the right of grooves (1) as seen in fig.7.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14, 15 and 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parasin (U.S. Patent 5,165,816) in view of Finkell (U.S. Patent 5,797,237).

Claim 14. Parasin discloses (figs. 1 and 2) a joint formed at a junction between adjacent boards, the joint comprising: a first board (10), comprising an upper surface (upper surface of 10), a lower surface (lower surface of 10) and a groove (32, 35, 37); a second board (11) jointed to the first board, and comprising an upper surface (upper surface of 11), a lower surface (lower surface of 11) and a tongue (16, 20, 24) a first equalizing cavity (upper 46) located adjacent to an upper end of a proximal end (24) of the tongue below the upper surfaces; wherein a distal end (16) of the tongue is smaller than a proximal end (32) of the groove; a second equalizing cavity (bottom 42), formed by a gap between the proximal end (32) of the groove and the distal end of the tongue; and further comprising glue (col.3, ll.15-20) disposed in at least one of the first equalizing cavity and the second equalizing cavity. Parasin does not disclose that the upper surfaces abut. Finkell teaches (fig. 2 and col.4, ll.30-35) that upper surfaces of floorboards should abut. One of ordinary skill in the art would have readily recognized that non-abutting floorboards present a greater trip hazard than do abutting floorboards, since abutting boards present no space for pedestrians' shoes to catch. It is further readily apparent that gaps between adjacent floorboards would catch/trap dirt making such flooring harder to clean, which is

undesirable. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the Parisin upper surfaces to abut one another, for the purpose of decreasing trip hazards, eliminating dirt-trapping gaps, and creating a more desirable aesthetic appearance.

Claim 15. Parasin discloses (figs. 1 and 2) a joint formed at a junction between adjacent boards, the joint comprising: a first board (10), comprising an upper surface (upper surface of 10), a lower surface (lower surface of 10) and a groove (32, 35, 37); a second board (11) joined to the first board, and comprising an upper surface (upper surface of 11), a lower surface (lower surface of 11), a tongue (16, 20, 24), a first equalizing cavity (upper 46) located adjacent to an upper end of a proximal end (24) of the tongue below the upper surfaces wherein a distal end (16) of the tongue is smaller than a proximal end (32) of the groove; a second equalizing cavity (lower 42), formed by a gap between the proximal end of the groove and the distal end of the tongue, wherein at least one of the first equalizing cavity and the second equalizing cavity extends to the lower surface (where lower 42 meets the lower surface of 11) of the second board. Parasin does not disclose that the upper surfaces abut. Finkell teaches (fig.2 and col.4, ll.30-35) that upper surfaces of floorboards should abut. One of ordinary skill in the art would have readily recognized that non-abutting floorboards present a greater trip hazard than do abutting floorboards, since abutting boards present no space for pedestrians' shoes to catch. It is further readily apparent that gaps between adjacent floorboards would catch/trap dirt making such flooring harder to clean, which is undesirable. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the Parisin upper

surfaces to abut one another, for the purpose of decreasing trip hazards, eliminating dirt-trapping gaps, and creating a more desirable aesthetic appearance.

Claim 17. Parasin discloses (figs.1 and 2) a joint formed at a junction between adjacent boards, the joint comprising: a first board (10), comprising an upper surface (upper surface of 10), a lower surface (lower surface of 10) and a groove (32, 35, 37); a second board (11) jointed to the first board, and comprising an upper surface (upper surface of 11), a lower surface (lower surface of 11), a tongue (16, 20, 24), a first equalizing cavity (upper 46) located adjacent to an upper end of a proximal end (24) of the tongue below the upper surfaces, wherein a distal end (16) of the tongue is smaller than a proximal end of the groove (32); a second equalizing cavity (lower 42), formed by a gap between the proximal end of the groove and the distal end of the tongue, wherein the tongue comprises at least one guiding wedge (top 17 and bottom 17) on an upper surface (upper 22) or a lower surface (lower 22) thereof, whereby the at least one guiding wedge contacts (where 17 meets 33 near 34) an inner surface of the groove. Note that element (18) could also be interpreted as the upper surface. Parasin does not disclose that the upper surfaces abut. Finkell teaches (fig.2 and col.4, ll.30-35) that upper surfaces of floorboards should abut. One of ordinary skill in the art would have readily recognized that non-abutting floorboards present a greater trip hazard than do abutting floorboards, since abutting boards present no space for pedestrians' shoes to catch. It is further readily apparent that gaps between adjacent floorboards would catch/trap dirt making such flooring harder to clean, which is undesirable. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the Parasin upper surfaces to abut one another, for the

purpose of decreasing trip hazards, eliminating dirt-trapping gaps, and creating a more desirable aesthetic appearance.

Claim 18. Parasin discloses (figs.1 and 2) a joint formed at a junction between adjacent board, the joint comprising: a first board (10), comprising an upper surface (upper surface of 10), a lower surface (lower surface of 10) and a groove (32, 35, 37); a second board (11) joined to the first board, and comprising an upper surface (upper surface of 11), a lower surface (lower surface of 11), and a tongue (16, 20, 24); and the first board and said second board defining a gap (lower gap between 10 and 11) therebetween; and a hole (bottom 46), in fluid communication (col.3, ll.15-20) with the gap, the hole having an opening below the groove. Parasin does not disclose that the upper surfaces abut. Finkell teaches (fig.2 and col.4, ll.30-35) that upper surfaces of floorboards should abut. One of ordinary skill in the art would have readily recognized that non-abutting floorboards present a greater trip hazard than do abutting floorboards, since abutting boards present no space for pedestrians' shoes to catch. It is further readily apparent that gaps between adjacent floorboards would catch/trap dirt making such flooring harder to clean, which is undesirable. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the Parasin upper surfaces to abut one another, for the purpose of decreasing trip hazards, eliminating dirt-trapping gaps, and creating a more desirable aesthetic appearance.

Claim 19. Parasin discloses that the hole extends from the joint towards a proximal section of the first and second board (in as much as the applicant's hole does).

Claim 20. Parasin discloses that the hole extends towards the lower surface of the first or second board.

Claim 21. Parasin discloses that the hole is a vent through one of the boards.

Claim 22. Parasin discloses that the vent has a terminal end (bottom of 46) at the lower surface of the board.

Claim 23. Parasin discloses a method for assembling floor boards to form a joint therebetween, the method comprising: providing: a first board (10), the first board comprising an upper surface (upper surface of 10), a lower surface (lower surface of 10) and a groove (32, 35, 37); a second board (11) jointed to the first board, and comprising an upper surface (upper surface of 11), a lower surface (lower surface of 11), and a tongue (16, 20, 24); and glue (col.3, ll.15-20), disposed on at least one of the tongue and the groove; mating the groove of the first board with the tongue of the second board; and directing the glue away from the upper surface and towards the lower surface of the boards (through bottom 42 and bottom 46).

#### *Response to Arguments*

Applicants' arguments with regard to the 35 U.S.C. §112, 1<sup>st</sup> paragraph rejections have been fully considered but they are not persuasive. Contrary to the applicants' arguments, figure 7 does not show a hole having an opening below a groove. Rather, figure 7 shows hole (7) with an opening below only a solid non-grooved portion of the board. The applicant should note that the limitation "below" denotes not only depth but also horizontal location such that an element that is below another element is not only at a lower depth but is also horizontally located to be covered by the second element.

Applicant's arguments with respect to the newly added limitation of abutting upper surfaces have been considered but are moot in view of the new grounds of rejection.

***Conclusion***

Applicant's amendment (i.e., the newly added limitation "abutting each other" in claims 14, 17 and 18) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor MacArthur whose telephone number is (571) 272-7085. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

*VLM*  
VLM  
October 11, 2005

*Daniel P Stodola*

DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600



Acceptable  
7pm  
10/5/05

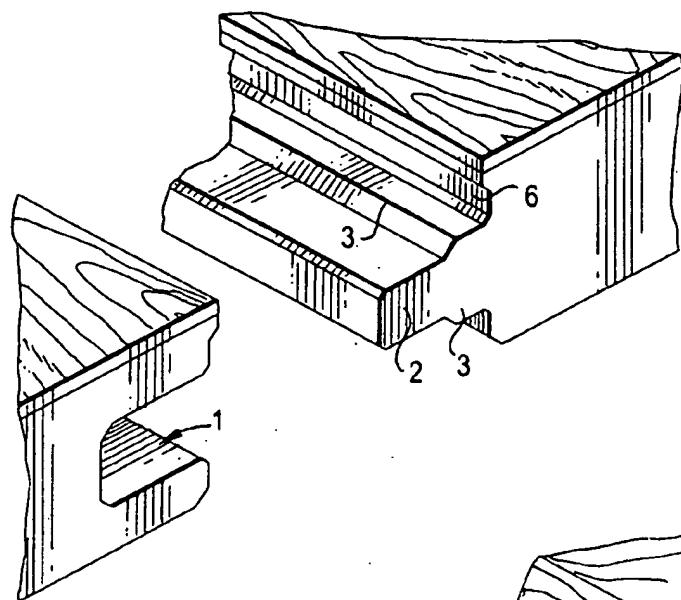


FIG. 1

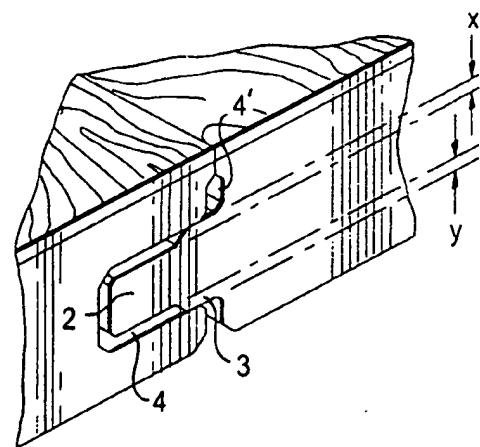


FIG. 2

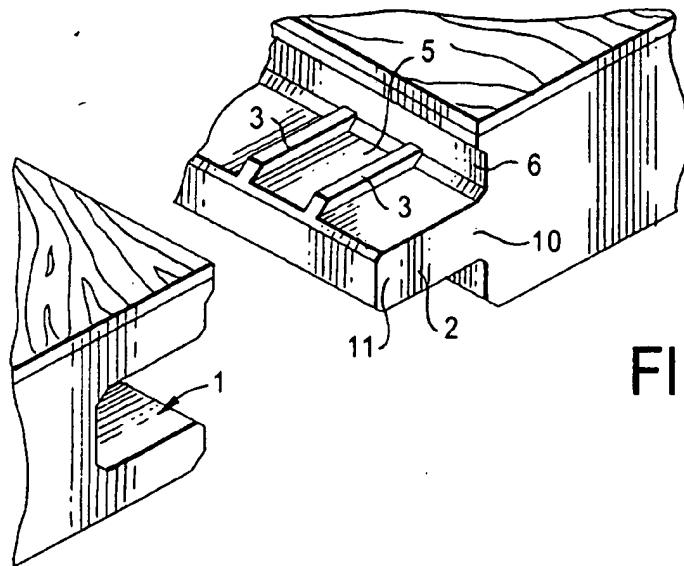


FIG. 3